

**Assembly Bill No. 2105**

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Passed the Assembly August 22, 2006

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*Chief Clerk of the Assembly*

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Passed the Senate August 10, 2006

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 7055, 103050, and 103075 of the Health and Safety Code, relating to human remains.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2105, Emmerson. Human remains: permits: transportation.

Existing law prohibits a person from disposing of human remains unless a death certificate has been obtained and filed with a local registrar and a permit for disposition has been obtained from a local registrar. Under existing law, it is a crime to remove any remains, other than cremated remains, from the primary registration district in which the death or incineration occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar. Existing law provides for certain exemptions from these criminal provisions, including an exemption for the removal of remains by a funeral director in a funeral director's conveyance to another registration district or county.

This bill would provide that neither a death certificate nor a permit for disposition shall be required to transport human remains from California to an adjacent state for disposition in that state when specified circumstances exist.

The bill would also authorize the coroner to release the remains to an out-of-state licensed funeral establishment without a death certificate or permit for disposition when he or she determines that specified conditions exist. The bill would require the coroner with jurisdiction over the area in which the remains were found who releases the remains to an out-of-state funeral establishment, within 72 hours after the remains were found, to file a death certificate with the local registrar. The bill would provide that, notwithstanding the above criminal provisions, a funeral director of an out-of-state licensed funeral establishment may transport human remains out of this state when acting in compliance with these provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 7055 of the Health and Safety Code is amended to read:

7055. (a) Every person, who for himself or herself or for another person, interrs or incinerates a body or permits the same to be done, or removes any remains, other than cremated remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral director's conveyance or an officer of a duly accredited medical college engaged in official duties with respect to the body of a decedent who has willfully donated his or her body to the medical college from that registration district or county to another registration district or county, or within the same registration district or county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred, or removes cremated remains from the premises on which the cremation occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows:

(1) For the first offense, by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

(2) For each subsequent offense, by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not more than 60 days, or by both.

(b) Notwithstanding subdivision (a), a funeral director of a licensed out-of-state funeral establishment may transport human remains out of this state without a removal permit when he or she is acting within the requirements specified in subdivision (b) of Section 103050.

SEC. 2. Section 103050 of the Health and Safety Code is amended to read:

103050. (a) No person shall dispose of human remains unless both of the following has occurred:

(1) There has been obtained and filed with a local registrar a death certificate, as provided in Chapter 6 (commencing with Section 102775).

(2) There has been obtained from a local registrar a permit for disposition.

(b) (1) Notwithstanding subdivision (a), neither a death certificate nor a permit for disposition shall be required to transport human remains from California to an adjacent state for disposition in that state when all of the following circumstances exist:

(A) The remains are found within 50 miles of the California border and the nearest licensed funeral establishment is within 20 miles of the border in the adjacent state, and the remains are released to that funeral establishment.

(B) The coroner with jurisdiction over the area in which the remains were found authorizes their release pursuant to paragraph (2).

(2) The coroner may release the remains to a licensed out-of-state funeral establishment without a death certificate or permit for disposition when he or she determines that all of the following conditions exist:

(A) No forensic interest in the remains exists.

(B) A reasonable certainty exists that the cause of death will be provided either by the primary physician, or by a review of medical records by the coroner or medical examiner.

(3) The coroner with jurisdiction over the area in which the remains were found who releases the remains to an out-of-state funeral establishment shall, within 72 hours after the remains were found, file a death certificate with the local registrar.

(c) Nothing in this section shall exempt a coroner, health officer, health care provider, or other individual from requirements to report a case or suspected case of any reportable communicable diseases or conditions pursuant to any provision of the Health and Safety Code or the California Code of Regulations.

SEC. 3. Section 103075 of the Health and Safety Code is amended to read:

103075. Except when a permit is not required to be issued pursuant to subdivision (b) of Section 103050, the permit shall accompany the body to its destination, where, if within this state, it shall be delivered to the person in charge of the place of interment.







Approved \_\_\_\_\_, 2006

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*Governor*